

April 4, 2007

**MINUTES OF A REGULAR MEETING
OF THE TORRANCE BLUE RIBBON
COMMITTEE ON ETHICS AND INTEGRITY**

1. CALL TO ORDER

The Torrance Blue Ribbon Committee on Ethics and Integrity convened in a regular meeting at 7:02 p.m. on April 4, 2007, in the Cultural Arts Center Garden Room.

2. ROLL CALL

Present: Members Adelsman, Benoit, Furey, Gallagher, Gottshall-Sayed, Mayeda, McCabe*, Montoya, Payne, Skoll and Chair Hardison.

Absent: None.

Also Present: Assistant City Attorney Pohl, Management Associate Fulton and Assistant to the City Manager Sunshine.

* Member McCabe arrived at 7:15 p.m.

3. AFFIDAVIT OF POSTING

Assistant to the City Manager Sunshine indicated that the affidavit had been posted.

4. APPROVAL OF MINUTES – MARCH 7, 2007

MOTION: Member Adelsman moved to approve the March 7, 2007 minutes as written. Member Skoll seconded the motion and a voice vote reflected unanimous approval.

5. Discussion Items which may involve review of such issues as gifts and gratuities, campaign finances, conflicts of interest, statements of economic interest, misuse of public funds; revolving door issues (post employment lobbying), meals, and staging photos for elections involving city vehicles and uniformed employees.

5a. Review and discuss proposed scenarios for standards and their statements

Chair Hardison thanked everyone for submitting their scenarios which she felt were very well done and she questioned whether everything on the list of problem areas had been addressed.

Member Skoll felt that several scenarios were very close which highlighted the need to consolidate.

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Member Mayeda expressed concern with legal issues if the scenarios were too close to actual events.

Assistant City Attorney Pohl explained that slander by innuendo required a high standard to prove and he did not think many people would be rushing to prove that they were the person used in the examples of improprieties.

The group discussed whether to generalize the examples or keep them specific and Member Benoit suggested placing a caveat in the preamble clarifying that they were not about any specific person or events.

*Member McCabe arrived at 7:15 p.m.

The issue of how the scenarios would be used was considered and the group discussed using them as part of the education process, including them in the brochures or posters, and including them in the code itself. It was agreed that additional examples would be needed for ongoing training

Chair Hardison wanted to make sure all areas were covered and she pointed out that confidentiality and City Council Executive Sessions had not been addressed, a scenario had not been created for one Councilmember attacking another Councilmember, more should be written about misuse of public funds by elected officials and she felt that it was important that the Committee confirm the core values that they want to move forward with.

Member Adelman expressed concern that the examples were created from an outside viewpoint and did not address employee concerns.

Assistant to the City Manager Sunshine agreed to help facilitate and explained that Human Resources dealt with violations of policy and practice, not ethics violations. He added that in an instance where an employee accepted an inappropriate gift they might be disciplined depending on the nature of the violation.

Chair Hardison indicated that the code would consist of a concise overview with a reminder piece and a more detailed education portion.

Member Furey pointed out that some ethical integrity questions are viewed as conduct issues in the city and he observed that there was no enforcement at the appointed/elected level.

Chair Hardison reported that there were procedures in place to address employee issues: they are reprimanded and if it is a progressive issue there is suspension. She expressed hope there would be an ethical piece going above and beyond the law and she observed that the current City Manager set a very high standard. She felt that some scenarios would work for both employees and elected officials and other scenarios that were employee specific could be created.

Vice Chair Gallagher observed that the first phase set the pattern for what would follow and he commented that there could be resistance to implementation of the code for employees and that might take more time than they expect.

Chair Hardison encouraged anyone who wanted to write additional scenarios and she indicated that she would write some for areas that she felt were missing. She added that the scenarios previously written by Vice Chair Gallagher and Member Payne would be kept and considered to see if they could be used.

5b. Review and discuss consolidation of any standards

The Committee discussed consolidation of honesty and trust but decided to keep them both as it was noted that honesty is more internal and trust is external, as in how others see you. A discussion of similar standards followed and the Committee sought to avoid using similar words. The Committee agreed to several changes and revised the standards to read:

Honesty:

1. I will do it because it is the right thing to do.
2. I speak the truth – even if it is uncomfortable – I am sincere, candid and keep confidences.
3. Any decisions I make are based solely on the best interests of the City of Torrance, I recuse myself at any instance of potential conflict.

Respect

4. I treat my fellow officials, staff and the public with courtesy, compassion and civility, even when we disagree on what is best for the community.
5. I actively listen, ask questions, seek diverse opinions and participate in value-added discussion for the purpose of consensus building.
6. I respect the right of all employees and the public to fair treatment and equal opportunity, free from discrimination or harassment of any sort.
7. I accept individual differences and beliefs without prejudice. I judge others on their character, abilities and conduct.
8. I gain personal value by respecting others' ideas, diversity, time, differences, creativity, skills, and knowledge.

Responsibility

9. I take responsibility for my actions regardless of their outcome.
10. I am a prudent steward of public resources and consider the impact of my decisions on the City and its citizens.
11. I prepare for meetings, read provided material, research issues, and make informed decisions.
12. I encourage others to act responsibly through my speech and actions.
13. I never excuse or ignore inappropriate activities.

Transparency

14. I will be open in all activities in which I am engaged, making no attempt to keep the public from any knowledge pertaining to any public issue.
15. I will not maintain nor support any hidden agenda and my decisions/ actions will be based solely on the merits of the matter before me.
16. Understanding that public perception is important, I, as a public official, commissioner, or employee, accept that I am ethically bound to do more than is required of me and less than is allowed by law.

17. I will view my conduct through the eyes of those watching my actions to build and maintain the public's confidence.

Trust

18. I will ensure that all my communications, interactions, and transactions are open, honest, accurate, and have the best interest of the city and the residents in mind.
19. I will be fair, impartial, and equitable when making decisions, avoiding the temptation to favor those who have supported me and disfavor those who have not.
20. I will uphold the highest confidence and public trust by never using city assets, information, or relationships for personal gain.

Chair Hardison called a brief recess from 8:13 p.m. to 8:21 p.m.

The group discussed the revised standards and Chair Hardison, Vice Chair Gallagher and Member Adelsman agreed to work on rewording standards 12, 17 and 20 to eliminate similar words and make the statements more effective. Standards 7 and 8 will be looked at to make them more distinct from each other. Amended May 2, 2007.

5c. Review and Discuss Laws and Regulations Regarding Ethical Conduct

Assistant City Attorney Pohl reported that city materials consisted of Council Rules, the City Manager Travel policy, the City Manager Anti Discrimination policy and the Gifts and Gratuities policy. He noted that the City Charter and City Code contain items that apply to ethical conduct.

Assistant City Attorney Pohl stated that Mayor Scotto had brought forth new rules for running City Council meetings to make them more open to the public including moving the public speaking portion earlier on the agenda. He provided examples of ways a Councilperson or Mayor could act unethically and he reported efforts to adjust the Council rules of order to deal with perceived injustices. He provided a quick overview of the Brown Act noting that it is the absolute duty of an elected official to be impartial when functioning in the quasi judicial due process role, but not necessary when in legislative mode. He clarified that the Brown Act applied to any Committee that makes recommendations to the City Council.

Assistant City Attorney Pohl indicated that there were loopholes that people can, and do exploit, and he provided examples of areas of municipal conduct not addressed. He quickly reviewed the City Manager's Gifts and Gratuities Policy and the City Manager's Travel Policy.

Member Payne questioned the rules regarding the use of city television for campaigning and Assistant City Attorney Pohl indicated that nothing specifically addressed politicians on cable television.

Responding to Member Gottshall-Sayed regarding the use of city vehicles and uniformed employees for staged election photos, Assistant City Attorney Pohl clarified that it became an issue if the employee is on city time but he noted that it was difficult to regulate. For it to be a violation, a diversion of city resources from their use would have

to be proven. He added that city employees could be disciplined for appearing in uniform for political purposes or for wearing campaign buttons while working. He indicated that staff could investigate the matter and if it cannot be further regulated by law that might be something to cover with the code.

Assistant City Attorney Pohl indicated that the City Charter and City Code had few issues regarding city ethics and he noted specific issues relating to different departments. He commented that technology had overshoot the ability of regulators to regulate in several areas including regulation of public records.

Assistant City Attorney Pohl discussed state campaign contribution limits, campaign contribution limits in the Torrance Municipal Code, gifts of public funds, Stanton vs. Mott, Proposition 209, and the California Medical Privacy Act.

Chair Hardison indicated that the Committee wanted additional information on several items and suggested the presentation be continued to the next meeting.

The Committee requested additional information including copies of documents employees are required to sign when they are hired; information on Stanton vs. Mott; AB 1234; the Brown Act; City Charter 26 regarding ethical issues; items 13 and 15, with anything that would affect elected officials; and the City Manager's rules which are for city employees but also impact vendors and Council members on travel issues.

Assistant City Attorney Pohl indicated that he would not be present at the next meeting but would arrange for another attorney to attend.

Member Gottshall-Sayed suggested the City Attorney's office go through the scenarios and align them with the rules of law that would address them to see if the Committee was dealing with areas that the law addresses or whether they were just addressing morals.

Chair Hardison questioned what areas needed to be addressed and whether the Committee needed to strengthen the law or recommend changes to it.

Vice Chair Gallagher suggested that if there is discipline, there must be something in writing that has been violated. He noted that issues that did not fall into those categories would be covered by the integrity code.

Chair Hardison observed that many issues being discussed had to do with campaigns and Member Furey felt that the current City Council had charged the Committee with addressing those issues.

Chair Hardison questioned whether there was enough detail in current campaign regulations and Assistant City Attorney Pohl agreed to look into that.

5d. Instructions to Staff

The Committee discussed items for the next agenda and Chair Hardison suggested that the Committee think about what kind of approach they want to take with implementation and create an outline of how to proceed. Items agreed upon for the

next agenda included; determining content for and scheduling a presentation of the second quarterly report; a review of vacation dates; and a staff review of regulations with copies provided to Committee members for consideration.

6. ACTION ITEMS

6a. Approve Scenarios for Standards:

Previously covered.

6b. Instructions to Staff

Previously covered.

7. ORAL COMMUNICATIONS

Chair Hardison asked for Orals. There were none.

8. ADJOURNMENT

At 9:28 p.m., the meeting was adjourned to Wednesday, May 2, 2007 at 7:00 p.m., in the Cultural Arts Center Garden Room.

Approved as amended May 2, 2007 /s/ Sue Herbers, City Clerk
